IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

W.P(C).No. 34473 of 2007(D)

PETITIONER:

P.H.ABBAS,
PWD CONTRACTOR, MOGRAL PUTHUR, KASARGOD.

BY ADV. SRI.A.K.ABDUL AZEEZ

RESPONDENTS:
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1. **THE SUPERINTENDING ENGINEER,**
   P.W.D.ROADS AND BRIDGES NORTH CIRCLE,
   CALICUT.

2. **EXECUTIVE ENGINEER,**
   PWD ROADS DIVISION, KASARAGOD.

3. **ASSISTANT EXECUTIVE ENGINEER,**
   P.W.D. ROADS SUB DIVISION, KASARAGOD.

4. **ASSISTANT ENGINEER,**
   PWD ROADS SECTION, KASARAGOD.

BY GOVT. PLEADER, SRI.I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 34473 OF 2007 D

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Dated this the 10th day of December, 2007

J U D G M E N T

The prayer in this writ petition is to direct the 1st respondent to terminate the agreement and to pay the petitioner the amount payable to him with interest. Petitioner also seeks compensation for the alleged damages that are sustained the failure in not handing over the possession of the land to commence and complete the work that he had undertaken.

2. Petitioner is a contractor who had undertaken certain works from the respondents. It is the common case that only a portion of the land has been acquired and the same has been handed over. It is also the common case that the work in respect of that part has been completed by the petitioner and that he has submitted his bill for the same. Now what remains is completion of the work for the remaining part of the project and payment of the bill amount for the work he has done.

3. On instruction, the learned Govt. Pleader submits that payment will be effected by the respondent depending up on the seniority and availability of funds as early as possible. It is also submitted that in so far as the acquisition of land for the remaining portion of the project is concerned, steps are being taken and that the same will be completed expeditiously.

In view of this, directing that the steps for acquisition of the remaining part of the project will be completed expeditiously and that the bill submitted by the petitioner will be settled following priority, this writ petition is disposed of.

ANTONY DOMINIC
JUDGE

jan/-